

Notice of Allowability

Application No.

09/633,200

Examiner

Susan Ungar

Applicant(s)

KIEFER ET AL.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to the amendment filed September 24, 2004.
2. ☐ The allowed claim(s) is/are 60, 67, 69, 38, now renumbered 1-4, respectively.
3. ☐ The drawings filed on August 7, 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

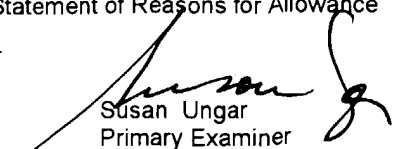
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Susan Ungar
Primary Examiner
Art Unit: 1642

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

2. The Amendment filed September 24, 2004 in response to the Office Action of June 7, 2004 is acknowledged and has been entered. Previously pending claim 60 was amended. Applicant requested rejoinder of claims 38 and 69 upon allowance of examined claims 60 and 67. Upon review and reconsideration, the method claims 38 and 69 have been rejoined with claims 60 and 67. Claims 38, 60, 67, 69 are currently under prosecution.

3. The application has been amended as follows:

In the claims:

Claim 60 was amended as follows: after “specifically binds to” the phrase “CDN-1 consisting of the amino acid sequence of SEQ ID NO:7” was deleted and the phrase --SEQ ID NO:7, CDN-1-- was substituted.

Claim 69 was amended as follows: in the preamble of the claim after “the presence of” the phrase “a CDN protein” was deleted and the phrase --CDN-1, SEQ ID NO:7,-- was substituted.

Claim 69 was amended as follows: in section d) after “to complex with” the

phrase "a CDN protein" was deleted and the phrase --CDN-1, SEQ ID NO:7,-- was substituted.

Claim 69 was amended as follows: in section e) after "detecting" the phrase "antibody-CDN protein" was deleted and the phrase --antibody-CDN-1, SEQ ID NO:7,-- was substituted.

6. Authorization for this Examiner's Amendment was given in a telephone interview with Angela Dallas Sebor on December 7, 2004.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is (571) 272-0837. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew, can be reached at (571) 272-0787. The fax phone number for this Art Unit is (571) 872-9306.

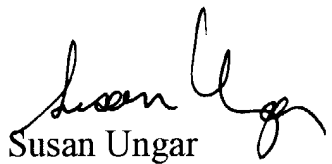
Any inquiry of a general nature or relating to the status of this application or

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proceeding should be directed to the Group receptionist whose telephone number is
(703) 308-4242.

Effective, February 7, 1998, the Group and/or Art Unit location of your
application in the PTO has changed.

A handwritten signature in black ink, appearing to read "Susan Ungar", with a stylized flourish at the end.

Susan Ungar
Primary Patent Examiner
December 6, 2004